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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,792	06/28/2001	Mikko Kanerva	930.333USWI	7109

32294 7590 12/07/2007  
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TYSONS CORNER, VA 22182

EXAMINER
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DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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12/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/893,792

Applicant(s)

KANERVA, MIKKO

Examiner

Willie J. Daniel, Jr.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-45 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-45 and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on 17 September 2007 and 15 August 2007. **Claims 24-45 and 47** are now pending in the present application and **claims 1-23 and 46** are canceled. This office action is made **Final**.

### *Claim Objections*

2. **Claim 45** is objected to because of the following informalities:
  - a. Claim 45 recites the limitation "...received **independence** on..." in line(s) 10-11 of the claim. The Examiner interprets as --received **in dependence** on-- (see claim 24, line(s) 1) and suggests replacing said limitation to help clarify the claim language. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 24, 45, and 47** are rejected under 35 U.S.C. 102(b) as being anticipated by **Neubauer et al.** (hereinafter Neubauer) (US 5,953,673).

Regarding **claims 24, 45, and 47**, Neubauer discloses a method for use in a telecommunication system and a telecommunications system (see Fig. 1) comprising:  
a telecommunication network (see Fig. 1);

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a calling subscriber (SA, SA') which reads on the claimed "first station" (see col. 5, lines 39-45; Fig. 1);

a plurality of called mobile target subscriber (SB) which reads on the claimed "second stations" (see col. 5, lines 58-64; Fig. 1);

wherein the first station (SA, SA') is configured to request a connection with at least one of said plurality of second stations (SB), said connection request comprising a location criteria to be satisfied by at least one second station (SB) (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23),

wherein the telecommunication network comprises at least one store configured to store location information for at least some of said second stations and a selection unit configured to select at least one of the second stations for connection when said connection request is received in dependence on the location information stored in the store and the location criteria in the received connection request (see col. 9, lines 5-19, 59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35),

wherein the telecommunications system is further configured to connect the first station to the at least one second station selected by the selection unit (see col. 9, lines 56-62; col. 10, lines 54-63).

**Claims 24-34, 36-41, 43-45, and 47** are rejected under 35 U.S.C. 102(b) as being anticipated by **Tognazzini (EP 0810803 A2)**.

Regarding **claim 24**, Tognazzini discloses a cellular system (1000) which reads on the claimed “telecommunications system” (see col. 11, lines 16-24; Figs. 10 and 11) comprising:

a cellular telephone network (1000) which reads on the claimed “telecommunication network” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

a originating station (1010; calling station) which reads on the claimed “first station” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “second stations” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

wherein the first station (1010) is configured to query which reads on the claimed “request” a connection with at least one of said plurality of second stations (1020, 1030, 1040) (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12),

said connection request comprising a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 43-52; Fig. 5),

wherein the telecommunication network (1000) comprises at least one store (e.g., database) configured to store location information for at least some of said second stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range, and

a selection unit configured to select at least one of the second stations (1020) for connection when said connection request is received in dependence on the location

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information stored in the store and the location criteria in the received connection request (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12), and

wherein the telecommunications system is further configured to connects the first station to the at least one second station selected by the selection unit (see col. 11, lines 16-24; col. 13, lines 12-42; Figs. 7, 9-10, and 12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display.

Regarding **claim 25**, Tognazzini discloses a system as claimed in claim 24, wherein the at least one store (e.g., database, memory medium) is further configured to store location information for at least some of said second stations (1020) or said first station (1010) (see col. 4, lines 18-28; Fig. 10).

Regarding **claim 26**, Tognazzini discloses a system as claimed in claim 24, further comprising at least one processor (e.g., 100, CPU) configured to provide for providing location information for at least some of said second stations (1020) or said first station (1010) (see col. 6, line 35-38; col. 7, lines 14-17; Figs. 1 and 10).

Regarding **claim 27**, Tognazzini discloses a system as claimed in claim 24, wherein the first station (1010) is configured to attempt to initiate a connection with any second station (1020) satisfying the location criteria (see col. 11, lines 16-56; col. 3, lines 44-52).

Regarding **claim 28**, Tognazzini discloses a system as claimed in claim 24, wherein the first station is configured to initiate a connection with a second station satisfying the location criteria and falling in a predetermined group of second stations (see col. 11, lines 16-56; col. 3, lines 44-52; col. 13, lines 12-22; Fig. 15).

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Regarding **claim 29**, Tognazzini discloses a system as claimed in claim 28, wherein a predefined location criteria is associated with the predetermined group (see col. 13, lines 12-22; Fig. 15).

Regarding **claim 30**, Tognazzini discloses a system as claimed in claim 28, wherein the predetermined group has a predetermined identifier associated therewith (see col. 13, lines 12-22; col. 13, line 50 - col. 4, line 4; col. 16, lines 30-35; Fig. 15).

Regarding **claim 31**, Tognazzini discloses a system as claimed in claim 28, wherein the predetermined group is defined by the user of the first station (see col. 7, lines 29-57).

Regarding **claim 32**, Tognazzini discloses a system as claimed in claim 24, further comprising a determination unit (e.g., GPS) configured to determine which stations satisfy the location criteria (see col. 13, lines 4-7).

Regarding **claim 33**, Tognazzini discloses a system as claimed in claim 32, wherein information as to which second stations satisfy the location criteria is sent to the first station (see col. 13, lines 13-22).

Regarding **claim 34**, Tognazzini discloses a system as claimed in claim 33, wherein the first station comprises a selection unit to select said at least one of said second stations based on said information (see col. 13, lines 34-42).

Regarding **claim 36**, Tognazzini discloses a system as claimed in claim 32, wherein the determination unit is configured to attempt connections to second stations satisfying the location criteria randomly (see col. 13, lines 12-38).

Regarding **claim 37**, Tognazzini discloses a system as claimed in claim 24, wherein at least one of said second stations is configured to prevent a connection with the first station

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if the first station has made a connection request based on the location of the at least one second station (see col. 13, line 50 - col. 14, line 8).

Regarding **claim 38**, Tognazzini discloses a system as claimed in claim 24, wherein at least one of said second stations is configured to permit a connection only with predefined first stations if the first station has made a connection request based on the location of said at least one second station (see col. 13, lines 4-49).

Regarding **claim 39**, Tognazzini discloses a system as claimed in claim 24, wherein a second station satisfying the location criteria is receives a message indicating that a first station wishes to make contact therewith (see col. 10, lines 23-24; col. 13, lines 51-57).

Regarding **claim 40**, Tognazzini discloses a system as claimed in claim 39, wherein the second station receiving said message is configured to indicate if the call is to be accepted (see col. 13, line 57 - col. 14, line 8).

Regarding **claim 41**, Tognazzini discloses a system as claimed in claim 24, wherein said connection request comprises information identifying at least one second station (see col. 3, lines 50-52; col. 10, lines 47-51) and

a call is made between said first station and the identified at least one second station only if the location criteria is satisfied (see col. 3, line 53 - col. 4, line 8).

Regarding **claim 43**, Tognazzini discloses a system as claimed in claim 24, wherein the first station or at least one of said second stations is a cellular station (750) which reads on the claimed "mobile terminal" (see col. 8, lines 2-3; col. 9, lines 50-51).



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Regarding **claim 44**, Tognazzini discloses a system as claimed in claim 24, wherein said first station or at least one of said second stations is a fixed terminal (see col. 9, lines 50-51).

Regarding **claim 45**, Tognazzini discloses a method for use in a cellular system (1000) which reads on the claimed "telecommunications system" comprising a telecommunication network, a originating station (1010; calling station) which reads on the claimed "first station" and a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed "second stations" (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), the method comprising:

defining at the first station (1010) a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42);

requesting (e.g., query) a connection with at least one second station satisfying said criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station;

selecting, within a selection unit of the telecommunication network, at least one of said second stations for connection when said connection request is received in dependence on stored location information and the location criteria in the received connection request (see col. 3, lines col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display; and

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establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

Regarding **claim 47**, Tognazzini discloses a cellular system (1000) which reads on the claimed “telecommunications system” comprising:

a telecommunication network (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

a originating station (1010; calling station) which reads on the claimed “first station” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “second stations” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

defining means for defining at the first station (1010) a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42);

requesting means for requesting (e.g., query) a connection with at least one second station satisfying said criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station;

selecting means for selecting at least one of the second stations for connection when said connection request is received in dependence on stored location information and the location criteria in the received connection request (see col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display; and

establishing means for establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 35** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **Nojima (US 5,933,080)**.

Regarding **claim 35**, Tognazzini as applied to 32 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. Tognazzini does not specifically disclose having the feature wherein the determination unit is configured to define an order in which connections to second stations satisfying the location criteria are to be attempted. However, the examiner maintains that the feature wherein the determination unit is configured to define an order in which connections to second stations satisfying the location criteria are to be attempted was well known in the art, as taught by Nojima.

In the same field of endeavor, Nojima discloses the feature wherein the determination unit is configured to define an order in which connections to second stations satisfying the location criteria are to be attempted (see col. 3, lines 37-42; col. 4, lines 15-31; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the feature wherein the determination unit is configured to define an order in which connections to second stations satisfying the location criteria are to be attempted, in order to provide an

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emergency calling system which can make an appropriate emergency call, as taught by Nojima (see col. 1, lines 57-59).

**Claim 42** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **Tayloe (US 5,809,418)**.

Regarding **claim 42**, Tognazzini as applied to 41 discloses having a communication system (see col. 11, lines 16-24; col. 14, line 28 - col. 15, line 2), where communication is provided between a calling station and a called station in which a call is initiated but the called station does not respond. Tognazzini does not specifically disclose having the feature wherein if the second station does not satisfy the location criteria at the time the connection request is made, the system is configured to make the call at a subsequent time when the second station satisfies the location criteria. However, the examiner maintains that the feature wherein if the second station does not satisfy the location criteria at the time the connection request is made, the system is configured to make the call at a subsequent time when the second station satisfies the location criteria was well known in the art, as taught by Nojima.

In the same field of endeavor, Nojima discloses the feature wherein if the second station does not satisfy the location criteria at the time the connection request is made, the system is configured to make the call at a subsequent time when the second station satisfies the location criteria (see col. 2, lines 41-51; Figs. 3-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the

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feature wherein if the second station does not satisfy the location criteria at the time the connection request is made, the system is configured to make the call at a subsequent time when the second station satisfies the location criteria, in order to provide a high likelihood of establishing a call, as taught by (see col. 2, lines 42-43).

***Response to Arguments***

5. Applicant's arguments with respect to claims 24-45 and 47 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

6. Applicant amended the claim language but failed to provide support (i.e., page(s), line(s), and drawing(s)) for the newly amended claim language. The Examiner requests applicant to provide support for the response filed 17 September 2007 and any further amended claim language.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR  
30 November 2007

  
CHARLES N. APPIAH  
SUPERVISORY PATENT EXAMINER